

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TRACEY N. THOMPSON,

Plaintiff,

v.

TNDC, et al.,

Defendants.

Case No. 18-cv-05057-PJH

**ORDER TO SHOW CAUSE**

On August 17, 2018, plaintiff Tracey Thompson filed an application for leave to proceed in forma pauperis (“IFP”) and a complaint. Dkts. 1–2. On September 13, 2018, Magistrate Judge Ryu issued a report and recommendation recommending that the complaint be dismissed for lack of subject matter jurisdiction. Dkt. 5. Judge Ryu explained that “[t]his is an action for wrongful eviction” of Thompson from “Civic Center Residence (Civic Center), a housing complex owned and operated by Defendant Tenderloin Neighborhood Development Corporation (TNDC).” Dkt. 5 at 1.

Judge Ryu concluded that the court did not have jurisdiction over the action pursuant to federal subject-matter jurisdiction because no cause of action or claim was alleged under the Constitution, laws, or treaties of the United States. Id. at 3–4. Instead, “Thompson alleges a claim for wrongful eviction, which arises under state law.” Id. at 4. Judge Ryu also found that diversity of citizenship does not exist sufficient to establish diversity jurisdiction because both plaintiff and defendant TNDC are citizens of California. Id. at 4–5.

Plaintiff did not object to the report and recommendation, and on December 21,

1 2018, this court issued an order adopting it "in every respect." Dkt. 14. This court  
2 dismissed the action with leave to amend and set a deadline for plaintiff to file any  
3 amended complaint by February 4, 2019. Id. The court ordered that plaintiff could not  
4 add any claims or parties without leave. Id.


5 On January 3, 2019, Thompson filed a letter with the court reporting that she "is  
6 very ill," "demands her room back," and wants the case "transferred Back over to San  
7 Francisco." Dkt. 15. On January 4, 2019, Thompson filed another letter with the court.  
8 Dkt. 16. She alleged that "[t]en people" were in the room above her harassing her  
9 through her ceiling and that "Tom Jerasik from Tenderloin (TNDC) the US Surgeon and  
10 Patty Boyle From TNDC . . . . are making threats[.]" Id. She alleged that "Dr. Wallen MD"  
11 made her gain weight and that Bob Mondin "gassed" her on "Either [sic] and  
12 Barbituates[.]" Id. She additionally stated that she "can't make it to Oakland anymore.  
13 So, this case has to become a handicapped phone Trial hearing." Id. Additionally, she  
14 requests that her "next court date has to be late in the day and near to me in downtown,  
15 San Francisco[.]" Id.

16 The court construes plaintiff's letters as a motion for intra-division transfer of the  
17 case from Oakland to San Francisco. However, this case was dismissed on December  
18 21, 2018. Dkt. 14. There is no pending complaint, so there is no complaint to transfer.

19 As such, the court hereby ORDERS PLAINTIFF TO SHOW CAUSE why the case  
20 should not be dismissed with prejudice for failure to amend the complaint by the February  
21 4, 2019 deadline, and for failure to prosecute the action. If plaintiff does not file a  
22 response to this order to show cause by April 19, 2019, the action will be dismissed with  
23 prejudice. If plaintiff files an amended complaint by that date, the court will consider  
24 plaintiff's January 3 and January 4 letters as a motion to transfer.

25 **IT IS SO ORDERED.**

26 Dated: March 13, 2019

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PHYLLIS J. HAMILTON  
United States District Judge